



ITW

Practitioner's Docket No. 99049-1/815-008-3-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)

for _____
Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Chan

Application No.: 10 / 730,850

Group No.: 1744

Filed: December 9, 2003

Examiner:

For: MODULAR ELECTRIC TOOTHBRUSHES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: 8/7/06

Janet Hames
Signature

Janet Hames

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing date of a first Office action on the merits; or

(4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

"A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability." 37 C.F.R. § 1.56(b)

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications

6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."
Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

NOTE: "A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section." 37 C.F.R. § 1.98(d).

WARNING: "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38). See also § 609, M.P.E.P., 8th Edition.

WARNING: 1893.03(g) Information Disclosure Statement in a National Stage Application

"When an international application is filed under the Patent Cooperation Treaty (PCT), prior art documents may be cited by the examiner in the international search report and/or the international preliminary examination report. When a national stage application is filed under 35 U.S.C. 371, or a national application is filed under 35 U.S.C. 111 claiming benefit of the filing date of the international application, it is often desirable to have the examiner consider the documents cited in the international application when examining the national application.

"As a result of an agreement among the European Patent Office (EPO), Japanese Patent Office (JPO), and the United States Patent and Trademark Office (USPTO), copies of documents cited in the international search report issued by any one of these International Searching Authority Offices generally are being sent to the other Offices when designated in the international application. Accordingly, in many national stage applications where the international search was conducted by the EPO, JPO, or USPTO, copies of the documents cited in the international search report are made available to the examiner in the national stage application.

"When all the requirements for a national stage application have been completed, applicant is notified (Form PCT/DO/EO/903) of the acceptance of the application under 35 U.S.C. 371, including an itemized list of the items received. The itemized list includes an indication of whether a copy of the international search report and copies of the references cited therein are present in the national stage file. The examiner will consider the documents cited in the international search report, without any further action by applicant under 37 CFR 1.97 and 1.98, when both the international search report and copies of the documents are indicated to be present in the national stage file. The examiner will note the consideration in the first Office action. There is no requirement that the examiners list the documents on a PTO-892 form. See form paragraphs 6.53, 6.54, and 6.55 (reproduced in MPEP § 609). Otherwise, applicant must follow the procedure set forth in 37 CFR 1.97 and 1.98 in order to ensure that the examiner considers the documents cited in the international search report.

"This practice applies only to documents cited in the international search report relative to a national stage application filed under 35 U.S.C. 371. It does not apply to documents cited in an international preliminary examination report that are not cited in the search report. It does not apply to applications filed under 35 U.S.C. 111(a) claiming the benefit of an international application filing date."

WARNING: While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information does not apply unless the relevance of the information differs from its relevance as explained in the prior application. See § 609, M.P.E.P. 8th Edition.

(Information Disclosure Statement — Section 4. Identification of Prior Application in Which Listed Information Was Already Submitted and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application
SN.: 10/274,700 , filed on Oct. 21, 2002 (date).

(complete the following, if applicable)

☐ This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior
application SN.: / , filed on _____ (date).

The following references were submitted to, and/or cited by, the Office in the prior
application(s) and, therefore, are not required to be provided in this application:

All references listed on Form PTO-1449 with the exception of
WO 92/17092, WO 94/13870, WO 98/04167, WO 01/60281, WO 03/063722 and
WO 03/103531.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. § 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of:

- (i) Each U.S. patent application publication and U.S. and foreign patent;
- (ii) Each publication or that portion which caused it to be listed;
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
- (iv) All other information or that portion which caused it to be listed; . . . "

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

- ☒ Exception(s) to above:
 - ☒ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
 - ☐ Cumulative patents or publications identified in Section 5.

Copies of U.S. patents and published applications are no longer required pursuant to the Official Gazette Notice dated August 5, 2003.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
☒ in the practitioner's file.

Reg. No.: 30,927

Tel. No.: (203) 261-1234

Customer No.: 4955



SIGNATURE OF PRACTITIONER

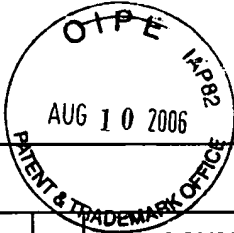
K. Bradford Adolphson

Ware, Fressola, Van der Sluys & Adolphson LLP

(type or print name of practitioner)

Bradford Green, Bldg. 5, 755 Main Street
P.O. Address

P.O. Box 224, Monroe CT 06468

FORM PTO-1449
INFORMATION DISCLOSURE STATEMENT

 ATTY DOCKET NO.
 99049-1/815-008-3-1

 SERIAL NO.
 10/730,850

APPLICANTS: Chan et al.

 FILING DATE:
 December 9, 2003

ART UNIT: 1744

UNITED STATES PATENT DOCUMENTS

EXAM. INITIAL	DOCUMENT NUMBER	DATE	INVENTOR/ASSIGNEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,015,833	01/1962	Gilet			
	4,203,431	05/1980	Abura et al.			
	4,894,880	01/190	Aznavoorian			
	5,120,225	06/1992	Amit			
	5,186,627	02/1993	Amit et al.			
	5,500,970	03/1996	Maurer et al.			
	5,735,011	04/1998	Asher			
	5,851,551	12/1998	Tseng et al.			
	5,926,897	07/1999	Volpenhein			
	5,930,860	08/1999	Shipp			
	5,987,688	11/1999	Roberts et al.			
	6,148,462	11/2000	Zseng, Chun-Lin			
	6,453,499	09/2002	Leuermann			
	6,836,917	01/2005	Blaustein et al.			
	6,889,401	05/2005	Fattori et al.			
	2003/0140435	07/2003	Eliav et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
2736286	07/1978	DE			
2616306	12/1988	FR			
5-199917	08/1993	JP			
10-66704	03/1998	JP			
92/17092	10/1992	WO			

Examiner (To be assigned)

Date:

page 10 of 10

Practitioner's Docket No. 99049-1/815-008-3-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Chan

Application No.: 10/730,850

Group No.: 1744

Filed: December 9, 2003

Examiner:

For: MODULAR ELECTRIC TOOTHBRUSH

☐ Patent No*:

Issued:

**NOTE: Insert name(s) of inventor(s) and title also for patent.*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

NOTE: Submission of a Power of Attorney after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

As assignee of record of the entire interest of the above identified

☒ application,

☐ patent,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

All attorneys and agents listed under Customer No. 45980.

(check the following item, if applicable)

☐ Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

(Power of Attorney by Assignee of Entire Interest [12-2]—page 1 of 2)

SEND CORRESPONDENCE TO:

Stephen B. Shear, Esq.
Church & Dwight Co., Inc.
469 North Harrison Street
Princeton NJ 08543-5297

DIRECT TELEPHONE CALLS TO:

Stephen B. Shear
(609) 497-7415

Customer No.: 45980

Church & Dwight Co., Inc.

(type or print identity of assignee of entire interest)

469 North Harrison Street

Address

Princeton NJ 08543-5297

☒ Recorded in PTO on 11/07/2005

Reel 016735

Frame 0621

☐ Recorded herewith

ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(b)."

Date August 7, 2006


Signature

David J. Schuman

*(type or print name of person authorized to
sign on behalf of assignee)*

Assistant Corporate Secretary

Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. § 1.36.

(check the following item, if it forms a part of this power of attorney)

☐ Added page—Authorization of attorney(s) to accept and follow instructions from representative.

Practitioner's Docket No. 99049-1/815-008-3-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chan
Application No.: 10 / 730,850 Group No.: 1744
Filed: December 9, 2003
For: MODULAR ELECTRIC
 TOOTHBRUSH Examiner:

Patent*:

Issue Date: _____

Reexamination No.:

Issue Date: _____

Reissue:

Issue Date: _____

*NOTE: Insert name(s) of inventor(s) and title for patent.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT UNDER 37 C.F.R. § 3.73(b)—
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 8/7/06

Janet Hames
Signature

Janet Hames

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [18-16]—page 1 of 4)

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . . , patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Church & Dwight Co., Inc.
Name of assignee
Delaware corporation
Type of assignee, e.g., corporation, partnership, university, government agency, etc.

PERSON AUTHORIZED TO SIGN

3. David J. Schuman
(type name of person authorized to sign on behalf of assignee)
Assistant Corporate Secretary
Title of person authorized to sign

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

- ☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. ☐ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at
Reel _____, Frame _____
2. ☐ An assignment (document) separately being submitted for recordal herewith.

AND/OR

B. ☒ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: <u>John Geoffrey Chan</u>	
Name of inventor(s)	
To: <u>The Procter & Gamble Company</u>	
	Recorded in PTO: Reel <u>014233</u> , Frame <u>0869</u>
2. From: <u>The Procter & Gamble Company</u>	
Name of inventor(s) or assignee	
To: <u>Church & Dwight Co., Inc.</u>	
	Recorded in PTO: Reel <u>016735</u> , Frame <u>0621</u>
3. From: _____	
Name of inventor(s) or assignee	
To: _____	
	Recorded in PTO: Reel _____, Frame _____

(check item below, and add details, if applicable)

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

COPIES OF DOCUMENTS IN CHAIN OF TITLE


(complete this item, if copies are being sent)

- ☐ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

<input type="checkbox"/> A	<input type="checkbox"/> 1	<input type="checkbox"/> 2	
<input type="checkbox"/> B	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 3 of 4)

BEST AVAILABLE COPY



(Signature of authorized person)

David J. Schuman

(type or print name of authorized person)

Assistant Corporate Secretary

Title of authorized person



SIGNATURE OF PRACTITIONER

Stephen B. Shear

(type or print name of practitioner)

Church & Dwight Co., Inc.

Law Department - Patents

P.O. Address

469 North Harrison Street

Princeton NJ 08543-5297

Reg. No.: 28,116

Tel. No.: (609) 497-7415

Customer No.: 45980